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10/781,614

02/17/2004

Alex Z. Shapiro

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FOLEY HOAG, LLP  
PATENT GROUP, WORLD TRADE CENTER WEST  
155 SEAPORT BLVD  
BOSTON, MA 02110

EXAMINER

HAMMOND III, THOMAS M

ART UNIT

PAPER NUMBER

3691

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/781,614	<b>Applicant(s)</b> SHAPIRO ET AL.	
	<b>Examiner</b> THOMAS M. HAMMOND III	<b>Art Unit</b> 3691	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Status of Claims***

1. This action is in reply to the application filed on 02/17/2004.
2. Claims 1-45 are currently pending and have been examined.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

*Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.*

4. Claims 34-45 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

5. Claims 34-45 are directed toward a processor-readable medium, however as recited, the claims are interpreted to be computer code per se, and therefore ineligible for patent protection. Computer software, as recited in claims 34-45, must be tangibly embodied on a computer readable medium and, when executed by a processor, perform the method steps of the computer code. These claims, as recited, do not meet this requirement.

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

*The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.*

7. Claims 11, 30 and 42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. With regard to claim 11 and similar claims 30 and 42, the Applicant recites the limitation, "wherein the processing data includes...". However, claim 9, from which claim 11 depends, and respective claims 28 and 40, does not positively set forth that "processing data" be "received from a payment source". As recited in claim 9, it is alternatively claimed with "payment data". Therefore, it is unclear to the Examiner, what the scope of the invention is for these limitations. For the purpose of examination, the Examiner will interpret this limitation as if it were positively set forth in claims 9, 28, and 40.

## ***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless –*

*(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

10. Claims 1-8, 14-20 are rejected under 35 U.S.C. 102(e) as being anticipated by *Grybas, US Patent Publication No. 2002/0178038*.

### **As per claim 1**

#### ***Grybas teaches:***

- Providing a group of loan states (see at least page 14, paragraphs 230-233)
- Loan events that relate the loan states (see at least page 14, paragraphs 230-233)
- Loan tasks that are associated with the loan events (see at least page 14, paragraphs 230-233)
- At least some of the loan states, the loan events, and the loan tasks are at least partially based on at least one governmental regulation (see at least page 14, paragraphs 230-233)
- Associating the defaulted loan with a loan state (see at least page 14, paragraphs 230-233)
- Identifying a loan event that relates the loan state to another loan state (see at least page 16, paragraph 244)
- Based on detecting the identified loan event, performing the loan task associated with the identified loan event (see at least page 16, paragraph 244)

**As per claims 2-3**

***Grybas teaches the method of claim 1, as described above.***

***Grybas further teaches:***

- Updating the loan state (see at least page 16, paragraph 246)
- Iteratively returning to identifying a loan event that relates the loan state to another loan state (see at least page 16, paragraph 246)
- Wherein the identified loan event includes a synchronous loan event that relates the loan state to a chronologically next loan state (see at least page 16, paragraphs 244-246)

**As per claim 4**

***Grybas teaches the method of claim 3, as described above.***

***Grybas further teaches:***

- Converting the identified synchronous loan event to a loan event time, and generating in a first queue a first queue entry that includes data representing the loan event time and at least one of: the defaulted loan, the loan state, the identified synchronous loan event, and the loan task associated with the identified synchronous loan event (see at least page 16, paragraphs 244-246)

**As per claim 5**

***Grybas teaches the method of claim 4, as described above.***

***Grybas further teaches:***

- Wherein detecting the identified loan event includes: detecting a first queue time for the first queue that is not less than the loan event time (see at least page 16, paragraphs 244-246)

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**As per claim 6**

***Grybas teaches the method of claim 5, as described above.***

***Grybas further teaches:***

- Based on detecting a first queue time for the first queue that is not less than the loan event time, generating in a second queue a second queue entry that includes data representing at least one of: the defaulted loan, the loan state, the identified synchronous loan event, and the loan task associated with the identified synchronous loan event (see at least page 16, paragraphs 244-246)

**As per claims 7-8**

***Grybas teaches the method of claim 6, as described above.***

***Grybas further teaches:***

- Based on detecting a first queue time for the first queue that is not less than the loan event time, updating the first queue to remove the first queue entry (see at least page 16, paragraphs 244-246)
- Based on performing the loan task, updating the second queue to remove the second queue entry (see at least page 16, paragraphs 244-246)

**As per claims 14-15**

***Grybas teaches the method of claim 1, as described above.***

***Grybas further teaches:***

- Wherein the at least one governmental regulation includes at least one of: at least one federal governmental regulation and at least one state governmental regulation (see at least page 14, paragraphs 231-232)
- Wherein associating the defaulted loan with a loan state includes: based on at least one characteristic of the defaulted loan, associating the defaulted loan with a loan state (see at least page 14, paragraphs 230-234)



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**As per claim 16**

***Grybas teaches the method of claim 15, as described above.***

***Grybas further teaches:***

- Wherein the at least one characteristic includes at least one of: a legal status, a length of a default period, a monetary balance, and a characteristic of a borrower associated with the defaulted loan (see at least page 14, paragraphs 230-234)

**As per claims 17-18**

***Grybas teaches the method of claim 1, as described above.***

***Grybas further teaches:***

- Wherein the loan task includes at least one of: applying a payment to the defaulted loan, determining whether a borrower associated with the defaulted loan is eligible for a payment program of a payment source, generating a communication to a borrower associated with the defaulted loan, generating a communication to a non-borrower associated with the defaulted loan, and requesting a payment for the defaulted loan from a payment source (see at least page 16, paragraphs 244-246)
- Wherein identifying includes: identifying a loan event that relates the loan state to a loan state in a different group of loan states (see at least page 16, paragraphs 244-246)

**As per claim 19**

***Grybas teaches the method of claim 18, as described above.***

***Grybas further teaches:***

- Updating the loan state to be the loan state in the different group of loan states (see at least page 16, paragraphs 244-246)

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**As per claim 20**

***Grybas teaches the method of claim 19, as described above.***

***Grybas further teaches:***

- Iteratively returning to identifying a loan event that relates the loan state to another loan state  
(see at least page 16, paragraphs 244-246)

### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

12. Claims 9-13 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grybas, US Patent Publication No. 2002/0178038, in view of, Common Manual Guarantors (CMG), "Common Manual: Unified Student Loan Policy", July 2001.

#### **As per claim 9**

***Grybas teaches the method of claim 1, as described above.***

***Grybas does not teach:***

- Wherein the identified loan event is asynchronous and detecting the identified asynchronous event includes: receiving from a payment source at least one of: payment data and processing data related to the defaulted loan

***CMG teaches:***

- Wherein the identified loan event is asynchronous and detecting the identified asynchronous event includes: receiving from a payment source at least one of: payment data and processing data related to the defaulted loan (see at least page 300)

*However, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add to the teachings of Grybas, the asynchronous event capability of CMG. One would have been motivated to do so provide an effective default management system, starting with the grace period, to*

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*help facilitate default prevention, but also track loan progress in conjunction with federal regulations (see at least Grybas, page 14, paragraphs 230-234).*

**As per claims 10-12**

***Grybas, in view of CMG, teaches the method of claim 9, as described above.***

***Grybas does not teach:***

- Wherein the payment source includes at least one of: an administrative wage garnishment program, a borrower associated with the defaulted loan, a federal treasury offset program, a loan consolidation program, a loan rehabilitation program, a loan repurchase program, and a state treasury offset program
- Wherein the processing data includes data related to an eligibility of a borrower associated with the defaulted loan for a payment program of the payment source
- Based on detecting the identified asynchronous loan event, generating in a second queue a second queue entry including data representing at least one of: the defaulted loan, the identified asynchronous loan event, and the loan task associated with the identified asynchronous loan event

***CMG further teaches:***

- Wherein the payment source includes at least one of: an administrative wage garnishment program, a borrower associated with the defaulted loan, a federal treasury offset program, a loan consolidation program, a loan rehabilitation program, a loan repurchase program, and a state treasury offset program (see at least page 300)
- Wherein the processing data includes data related to an eligibility of a borrower associated with the defaulted loan for a payment program of the payment source (see at least page 302)
- Based on detecting the identified asynchronous loan event, generating in a second queue a second queue entry including data representing at least one of: the defaulted loan, the identified asynchronous loan event, and the loan task associated with the identified asynchronous loan event (see at least page 300)

**As per claim 13**

***Grybas, in view of CMG, teaches the method of claim 12, as described above.***

***Grybas does not teach:***

- Based on performing the loan task, updating the second queue to remove the second queue entry

***CMG further teaches:***

- Based on performing the loan task, updating the second queue to remove the second queue entry (see at least page 300)

**As per claim 21**

***Grybas teaches the method of claim 18, as described above.***

***Grybas further teaches:***

- Wherein the different groups of loan states are associated with different aspects of processing the defaulted loan (see at least page 16, paragraphs 244-246)

***Grybas does not teach:***

- In which the different aspects relating to at least one of: due diligence data collection and reporting and payment collection and allocation

***CMG teaches:***

- In which the different aspects relating to at least one of: due diligence data collection and reporting and payment collection and allocation (see at least pages 302-303)

*However, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add to the teachings of Grybas, the different aspects of CMG. One would have been motivated to do so provide an effective default management system, starting with the grace period, to help facilitate default prevention, but also track loan progress in conjunction with federal regulations (see at least Grybas, page 14, paragraphs 230-234).*

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**ADDITIONAL REJECTIONS**

Claims 22-45 are interpreted to encompass substantially the same scope as claims 1-21. Accordingly, claims 22-45 are rejected in substantially the same manner as claims 1-21, as described above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M. Hammond III whose telephone number is 571-270-1829. The examiner can normally be reached on Monday - Thursday, 7AM - 5PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thomas M. Hammond III  
Patent Examiner, Art Unit 3691  
United States Patent & Trademark Office  
02/06/2008  
/Hani M. Kazimi/  
Primary Examiner, Art Unit 3691